

GENERAL LAWS

OF

MINNESOTA.

PASSED AND APPROVED AT THE FIFTH SESSION OF THE STATE LEGISLATURE, COMMENCING JANUARY SIXTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-THREE, AND TERMINATING MARCH SIXTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-THREE.

CHAPTER I.

An Act to amend an act entitled "An Act to create a Board of Auditors for the adjustment of claims for war expenditures, and to define the powers and duties of said Board."

- SECTION 1.** Board of Auditors, how elected—duty of Board of Auditors—rules and regulations to be published—all sessions to be public.
2. Auditors to give bonds for faithful performance of duties—in what sum.
3. Board of Auditors may fix time and place of meeting—when term of office to expire—when final report to be made to Governor.
4. Per diem and mileage of Board of Auditors—may employ one competent clerk.
5. What claims to be audited by said Board—penalty for perjury.
6. Powers of majority of said Board.
7. Secretary of State to furnish all necessary books, stationery, &c.
8. Board to keep correct account of transactions—proceedings to be submitted to next Legislature.
9. Penalty for malfeasance in office.
10. What to constitute a quorum.
11. Shall issue to each claimant a certificate for amount allowed—who to constitute Board of Auditors after expiration of term of office of present Board—what to constitute a quorum.
12. When act to take effect.

WHEREAS, The term of office of the Board of Auditors, created under the act entitled as above, and approved September 24th, 1862, expired on the first day of January, 1868; And

WHEREAS, It being desired that another Board of Auditors charged with similar duties should be created: Therefore,

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the said act entitled "an act to create a Board of Auditors for the adjustment of claims for war expenditures, and to define the powers and duties of said Board," shall be, and is hereby amended so as to read as follows: There shall be elected by the Legislature of the State of Minnesota, in joint convention assembled, at such time as may be agreed upon, at the present regular session of the Legislature, a special Board of Auditors, to consist of three competent persons, whose duty it shall be to audit and determine, under such proper rules and regulations as they may adopt, not inconsistent with this act, upon the validity and amounts of all claims or demands against this State on account of services rendered, or property sold, taken or appropriated for military purposes or for supplies, transportation, subsistence, materials, munitions of war, or any other matters furnished to or taken by this State, or those claiming to act for the State, or for the protection of the frontier or other settlements, against Indian depredations, or the prosecution of the Indian war now existing, or for arms, subsistence, horses, transportation or other property or service heretofore furnished for any of the purposes aforesaid: *Provided*, That the rules and regulations so agreed upon for auditing claims, shall be published in each of the daily papers of St. Paul, with the names of the Auditors thereto annexed, at least five days before any session shall be held under this act; *Provided also*, That all sessions of said Board shall be public, and due notice given in at least two of the daily papers of Saint Paul. No claim shall be finally audited and passed upon by said Board, except in public session. The Board of Auditors created by this act shall have no power to present or allow any claim or any part thereof, which has been presented to and passed upon by the late special Board of Auditors; *Provided*, That said Auditors may allow such further sums to volunteers as may be provided for and fixed by law.

SEC. 2. Before entering upon the duties of his office, each of the persons so elected as Auditors shall enter

Board of Audi-
tors how elected
—duty of said
Board

Rules and regu-
lations to be pub-
lished—all ses-
sions to be public

into bonds with two or more sufficient sureties, to be approved by the Governor, in the sum of five thousand dollars, conditioned for the faithful discharge of the duties of his office, and shall take and subscribe an oath of office, honestly, faithfully, and impartially to discharge the duties of his said office, according to the best of his ability, which oath, signed by his name and attached with his official bond, shall be deposited in the office of the Secretary of State.

Auditors to give bonds for faithful performance of duties—in what sum

SEC. 3. At such time as the said Auditors shall designate after the said special Board of Auditors shall have been elected and qualified, they shall assemble in Saint Paul, at such suitable place as may be agreed upon by them, and then and there enter upon their duties, and shall continue their session from day to day, or at stated periods, and at such place or places other than St. Paul, as they may appoint, two of which places shall be St. Cloud and New Ulm, and as the public interest and the demand for their services may require of them, until all the claims accruing under the several classes of war expenditures, mentioned in section one of this act, shall have been audited and adjusted; *Provided*, That the duties of said Board and the term of office of the members thereof, shall expire on the 14th day of April, 1863, and that on or before the first day of May, 1863, said Auditors shall make a final report to his Excellency, the Governor, of all their proceedings, and shall deposit all books, papers, and vouchers with the State Auditor.

Auditors may fix time and place of meeting—when term of office to expire—when final report to be made to Governor

SEC. 4. Each of said Auditors shall be entitled to and receive from the Treasury of the State, to be paid upon the warrant of the State Auditor, the sum of three dollars per diem for each and every day that each one of them shall be engaged in the transaction of his official business, and ten cents per mile for each mile actually and necessarily travelled by him. For the purpose of aiding in the transaction of their official business, and keeping a record thereof, they may employ one competent clerk, at a salary of three dollars per diem, to be paid in the same manner that is herein prescribed for the payment of the per diem of the members of the Board, and the same amount of mileage to which a member of the Board of Auditors is entitled to under this section; *Provided*, That in no case shall mileage be paid for more than four hundred miles of travel.

Per diem and mileage of Board—may employ clerks

SEC. 5. No account or claim against the State, other

What claims to be audited by said Board—penalty for perjury

than those accruing under the several classes of war expenditures, mentioned in section one of this act, shall be audited or adjusted by the said special Board of Auditors; and no claim or demand whatever, embraced within the provisions of the first section of this act, shall be audited or allowed, except as herein provided for. Whenever an account or claim is presented for adjustment to said Board, it shall be accompanied by the oath or affirmation of the party rendering the service, or furnishing the material for which pay is claimed, or in case of his absence from the State, of his agent or attorney, or some person having knowledge of the facts, and said Board may require such additional testimony as they may deem proper to establish the correctness of such account or claim; and in any proceeding or examination under this act, they shall have full power to administer oaths, to send for persons and papers, and to issue any subpoena or process to compel the attendance of witnesses to give testimony on behalf of the State or such claimant, which subpoena or process may be served by any constable or sheriff of the State; and any willful false swearing on the part of any person giving testimony on such examination, or taking any oath or affidavit in said proceedings, shall be deemed perjury, and be punishable by imprisonment in the State prison not less than two nor more than five years.

Powers of majority of said Board

SEC. 6. In every case where the said Board of Auditors or a majority of them, shall conclude that the prices charged are unreasonable and exorbitant, under the circumstances under which the obligation was contracted, they shall have full power to reduce the same to such sum as they shall deem just and equitable.

Secretary of State to furnish all necessary books, stationery, &c

SEC. 7. All the necessary books, stationery and blanks for the transaction of the business of the said special Board of Auditors shall, on application, be furnished by the Secretary of State, and upon the fulfillment and completion of the duties of their office, all records, accounts and property of the office, shall be deposited with the Auditor of State.

To keep correct account of transactions—proceedings to be submitted to next Legislature

SEC. 8. The said Board of Auditors shall keep a full and correct account of all their daily official transactions, which shall be duly preserved and submitted to the Legislature at the next regular session.

SEC. 9. Any one of the members of the special Board of Auditors, or their clerk, who shall be convicted in any

court of competent jurisdiction, of fraud, peculation, or malfeasance in office, or of any complicity in any fraud or peculation, shall be punished by imprisonment in the State prison for a period of not less than one year or more than ten years. Penalty for malfeasance in office

SEC. 10. Two of said special Board of Auditors shall constitute a quorum for the transaction of business, and the time and place of meeting shall be advertised as required in section first of this act. What to constitute a quorum

SEC. 11. Said Board of Auditors shall issue to each claimant a certificate for the amount allowed him, and the Adjutant General, Attorney General, and State Auditor are hereby created a Board to audit and allow, or disallow, in the same manner and under the same regulations as are herein provided for the government of the Commissioners, all claims which may remain unaudited by the said Commissioners, and such claims may be presented at any time within six months after the 14th day of April, 1863. Two of the officers named in this section shall constitute a quorum for the transaction of business. Shall issue certificate to claimant—who to constitute board after expiration of term of present Board—quorum

SEC. 12. This act shall take effect from and after its passage.

Approved, February 24, 1863.

CHAPTER II.

An Act amending Chapter Thres of the General Laws of 1860, being an act prescribing the duties of County Treasurers, and Chapter Three of the Session Laws of 1861, and Chapter Ten of the Session Laws of the year 1862, amending the same.

- SECTION 1. Amendment to Section 22, Laws of 1862. When to deposit with the Auditor all orders redeemed—publish notices of taxes assessed.
2. Amendments to Section 27, Laws of 1861. State moneys to be forwarded by express—mileage to be allowed to County Treasurers.
3. Amendment to Section 28, Laws of 1862. Fees for collecting taxes.
4. Amendment to Section 28, Laws of 1862. Settlement between Auditor and Treasurer—when to be made.
5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section twenty-two of an act prescribing